

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

PUBLIC INTEREST LITIGATION NO.54 OF 2006

Bharatiya Manav Seva Sangh

Petitioner

vs.

Bharati Vidyapeeth and ors.

Respondents

Mr.A.Y.Sakhare, Senior Counsel with Mrs.Deepa Chavan
i/b.M/s.Gauri Godse for the petitioners.

Mr.K.K.Singhvi, Senior Counsel i/b.Mr.S.B.Deshmukh for
the respondent no.1.

Mr.V.B.Naik with Mr.R.S.Alange for the respondent no.3.

Mr.P.M.Patil, A.G.P. for the respondent no.4.

**CORAM : R. M. LODHA &
A.S.BAGGA, JJ.**

DATED : 8th June, 2006

P.C.

We heard Mr.A.Y.Sakhare, the senior counsel for the
petitioner.

2. The petitioner raises the grievance about the
procedure adopted by the respondent no.1-Bharati
Vidyapeeth and the respondent No.3-Dr.D.Y.Patil
Vidyapeeth in permitting the students to use pencil for
marking their answers in the answer-sheets and allowing
to change answers by using the erasure. According to
the petitioner, the procedure adopted by the respondents
1 and 3, if allowed to stand, is likely to enable the
said respondents to manipulate the results. The
argument is sought to be substantiated by relying upon
the procedure followed by the State Government.

3. We are afraid, the apprehension of the petitioner is misconceived. As a matter of fact, there is nothing unreasonable if a student is permitted to use HB pencil for answering the question by darkening one of the circles. That gives an opportunity to a student to correct the answer though as a rare case if on second thought, the student feels that the correct answer is the other circle. In that event he can erase the earlier mark and darken the other circle which according to the student is the correct answer. The procedure cannot be said to suffer from any unreasonableness. Nor is such procedure violative of Article 14 of the Constitution of India. The procedure stands to reason and warrants no interference by this Court in extraordinary jurisdiction.

4. Writ Petition (PIL) is dismissed in limine.

(R.M. LODHA,J.)

(A.S. BAGGA,J.)